

July 13, 2006

TO: City of Lincoln Personnel Board Members

SUBJECT: Personnel Board Meeting
Thursday, July 20, 2006
1:30 p.m., Council Chambers
County-City Building

A G E N D A

- ITEM 1: Request ordinance reflecting pay increase of 1.75% to be effective August 24, 2006 for pay ranges prefixed by an 'X'.
- ITEM 2: Request ordinance reflecting pay increase of 2.50% to be effective August 24, 2006 for pay ranges prefixed by an 'E'.
- ITEM 3: Request ordinance reflecting pay increase of 1.00% to be effective August 24, 2006 for pay ranges prefixed by an 'M'.
- ITEM 4: Request to amend Section 2.76.445 of the Lincoln Municipal Code — Cause for Disciplinary Action.
- ITEM 5: Request to amend Section 2.78.025 of the Lincoln Municipal Code — Compensation Plan; Variable Merit Pay Plan – DSS and M Pay Ranges.
- ITEM 6: Miscellaneous Discussion.

PC: Joan Ross, City Clerk

2.76.445 Cause for Disciplinary Action.

Any action which reflects discredit upon the city service or is a direct hindrance to the effective performance of the municipal government functions shall be considered good cause for disciplinary action against any officer or employee of the City of Lincoln, though charges may be based upon causes and complaints other than those listed.

- (a) Habitual use of intoxicating beverages to excess or the use of narcotics.
- (b) Has been adjudged guilty of a felony or of a misdemeanor involving moral turpitude.
- (c) The taking of intoxicating beverages or intoxication while on duty.
- (d) That the employee is guilty of improper political activity as defined in the charter.
- (e) Offensive conduct or language toward the public or toward city officers or employees.
- (f) Has been guilty of insubordination or any conduct unbecoming to an officer or employee of the city, either on or off duty.
- (g) Incompetence to perform the duties of the position.
- (h) Damage to or negligence in the care and handling of city property.
- (i) Violation of any lawful and reasonable regulation made or given by the employee's superior, where such violation or failure to obey amounts to an act of insubordination or a serious breach of proper discipline; or results, or might reasonably have been expected to result, in loss or injury to the city, to prisoners of the city, or to the public.
- (j) Commission of acts or omissions unbecoming an incumbent of the particular office or position held, which render a reprimand, suspension, demotion, or dismissal necessary or desirable for the economical or efficient conduct of the business of the city or for the best interest of the municipal government.
- (k) Willful violation of any of the provisions of the charter or of these rules.
- (l) Has induced or attempted to induce any officer or employee in the city service to commit an illegal act or to act in violation of any lawful and reasonable departmental or official regulation or order or has participated therein.
- (m) Solicitation or receipt from any person, participation in any fee, gift, or other valuable thing that is given in the hope or expectation of receiving a favor or better treatment than that accorded other persons.
- (n) Use or attempted use of personal or political influence or bribery to secure an advantage in an examination or promotion, leave of absence, transfer, change of grade, pay, or

character of work.

(o) Failure to pay just debts, thereby causing embarrassment to the city.

(p) Absence from duty without leave contrary to these rules, or failure to report after leave of absence has expired, or after such leave of absence has been disapproved or revoked and cancelled by the proper authority.

Violations of the provisions of this section shall be punishable by reprimand, suspension, demotion, or dismissal.

An employee may be placed on disciplinary probation not to exceed ninety calendar days. The placement on disciplinary probation as provided herein shall not preclude the imposition of other or additional disciplinary action.

Upon being informed that an employee has been accused of behavior which, if substantiated, would be cause for dismissal, the Department Head shall have the option of suspending an employee without pay for a period not to exceed thirty (30) calendar days for the purpose of investigation of the accusation, provided that if after investigation the Department Head determines to dismiss the employee, they shall give written notice of the dismissal and, if after investigation, the Department Head determines that the accusation cannot be substantiated or does not constitute cause for dismissal, the employee shall be reinstated and awarded back pay for any portion of the suspension time not imposed as disciplinary action.

A copy of this section, with any amendments thereto, shall be submitted to each department head to be posted in such manner as will bring it to the attention of all employees of such department.

2.78.025 Compensation Plan; Variable Merit Pay Plan - DSS and M Pay Ranges.

Notwithstanding any other section of the Lincoln Municipal Code to the contrary, the compensation plan for employees in classifications with pay ranges prefixed by the letters "DSS" and "M" shall provide for the awarding of merit increases within established pay ranges based upon the employee's level of performance and shall be entitled "the variable merit pay plan." The specific method of implementing and administering this plan shall be set out in an executive order of the Mayor which shall, among other things, provide for:

(a) Variable merit increases of between zero and ~~four~~five percent. Merit increases shall be effective beginning the first full pay period following the established eligibility date;

(b) A four and one-half percent increase upon successful completion of the original probationary period with the exception of pay ranges prefixed by the letters "DSS";

(c) Temporary exceptional service awards not to exceed two percent of the employee's current annualized salary to be paid in two, four, or six pay periods with the exception of pay ranges prefixed by the letters "DSS";

Such increases shall be paid only on recommendation of the department head supported by a convincing showing in writing of exceptional service or unusual circumstances as related to specific criteria to be recommended by each department and approved by the Personnel Director;

The Personnel Director shall annually send a written report to the Mayor listing employees approved for exceptional service pay increases.

(d) The Personnel Director, with the approval of the Mayor, may grant permanent salary increases within the employee's pay range that are consistent with the spirit and purpose of the merit system provisions of the City Charter if a department head presents written evidence of unusual circumstances. The effective date of any increase granted in accordance with this subparagraph (d) shall be used to establish a new eligibility date, which shall be one year from

the effective date of such increase. This subsection applies only to pay ranges prefixed by the letter "M".

(e) The eligibility date for evaluating performance of employees will be determined by completion of the original probationary period, and the effective date of promotion, demotion, reallocation, or layoff, or in the case of a department head or an administrative assistant to an elected official, the date of hire;

Employees in pay ranges prefixed by the letter "M" may have their eligibility dates adjusted when necessary or appropriate for proper operation of any goal-oriented employee evaluation program implemented by any department. The department head shall forward a written request for such an adjustment to the Personnel Director who may, at his discretion, approve the request. The eligibility date of an employee shall not be adjusted under this subsection more often than once in any twelve-month period;

(f) Establishment of a committee to review and approve all merit increases in excess of ~~three~~ four percent.